

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Roberta Moore, Planner I

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 9-2-02 Shot Gun East/G.L.
Homes / Miller Legg & Associates, Inc., 4201 SW 154 Avenue/Generally
located north of Orange Drive, east of I-75, west of Shotgun Road.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner has requested to rezone the 1,453,177 square foot (33.36 acres) subject site from: A-1, Agricultural District; to: CF, Community Facilities District. This request will allow the subject site to be developed for a school facility. The parcel exceeds the Land Development Code's minimum requirements needed to gain the zoning designation. Minimum lot size required is 35,000 square feet, and the subject site is 1,453,177 square feet, or 33.36 acres in size.

PREVIOUS ACTIONS: None

CONCURRENCES: At the December 11, 2002, Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Ms. Lee, to approve. (Motion carried 4-0, Mr. Waitkus absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report, Justification, Survey, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District to CF, Community Facilities District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District to CF, Community Facilities District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as CF, Community Facilities District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

APPENDIX "A"

DESCRIPTION

A PORTION OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER (N 1/4) CORNER OF SAID SECTION 28; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 28, (BEARING BASIS) SOUTH 01°41'26" EAST 2105.07 FEET TO A POINT ON A 2375.23 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS POINT BEARS NORTH 51°39'35" EAST; THENCE ALONG THE EASTERLY BOUNDARY OF A 170 FOOT CANAL RIGHT OF WAY PER DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 86075-2403 AS DESCRIBED IN OFFICIAL RECORD BOOK 9527, PAGE 976 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, THE FOLLOWING FIVE (5) COURSES: (1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°24'26" AN ARC DISTANCE OF 431.44 FEET TO A POINT OF NON-TANGENCY; (2) NORTH 28°13'12" WEST 344.55 FEET; (3) NORTH 63°12'46" EAST 50.02 FEET; (4) NORTH 28°13'12" WEST 120.00 FEET; (5) SOUTH 63°12'45" WEST 220.07 FEET; THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 PER DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 86075-2403 AS DESCRIBED IN OFFICIAL RECORD BOOK 9527, PAGE 976 OF SAID PUBLIC RECORDS, THE FOLLOWING THREE (3) COURSES: (1) NORTH 28°13'12" WEST 730.23 FEET; (2) NORTH 26°47'15" WEST 427.92 FEET TO A POINT OF CURVATURE OF A 11224.16 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; (3) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°10'20" AN ARC DISTANCE OF 425.53 FEET TO A POINT OF NON-TANGENCY; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SECTION 28, NORTH 89°55'01" EAST 1267.57 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 1453177 SQUARE FEET (33.360 ACRES) MORE OR LESS.

Application #: ZB 9-2-02
Exhibit "A"

Revisions: 12/19/02
Original Report Date: 12/03/02

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:

Name: G.L. Homes
Address: 1401 University Drive, Suite 200
City: Coral Springs, FL 33071
Phone: (954) 753-1730

Agent:

Name: Miller Legg & Associates, Inc.
Address: 1800 N. Douglas Road
City: Pembroke Pines, FL 33024
Phone: (954) 436-7000

BACKGROUND INFORMATION

Date of Notification: December 4, 2002 **Number of Notifications:** 11

Application History: No deferrals have been requested.

Application Request: Rezone the 1,453,177 square foot (33.36 acres) subject site **FROM:** A-1, Agricultural District; **TO:** CF, Community Facilities District.

Address/Location: 4201 SW 154 Avenue/Generally located north of Orange Drive, east of I-75, west of Shotgun Road.

Future Land Use Plan Designation: R-1, Residential 1 DU/AC

Zoning: A-1, Agricultural District

Proposed Zoning: CF, Community Facilities

Existing Use: Vacant

Proposed Use: School

Parcel Size: 33.36 acres (1,453,177 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Vacant	Residential 1 DU/AC
South:	I-75	Transportation
East:	Residential, G.L. Homes RiverStone	Residential 1 DU/AC
West:	I-75	Transportation

Surrounding Zoning:

North: AG, Agriculture District
South: T, Transportation District
East: E, Estate District
West: T, Transportation District

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: None

APPLICATION DETAILS

The petitioner has requested to rezone the 1,453,177 square foot (33.36 acres) subject site from: A-1, Agricultural District; to: CF, Community Facilities District.

APPLICABLE CODES AND ORDINANCES

1. Section 12-307 of the Land Development Code, review for rezonings.
2. Section 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, CF, Community Facilities District, requires minimum lot area of 43,560 square feet, minimum lot frontage of 100 feet, setbacks: front 50 feet, side 25 feet, rear 25 feet, and maximum height of 35 feet.

The uses permitted by right within the CF District as stated in Section 12-32(B) are:

Adult Educational	Civic Center
Colleges, University	Educational, Adult/Vocational/Trade Schools
Flood Control	Hospitals
Libraries, Museums	Mausoleums, Cemeteries
Primary, Secondary Education	Public Park
Schools, Public	Schools, Special, Private
Governmental Buildings/Municipal Public Service Uses	

COMPREHENSIVE PLAN CONSIDERATIONS

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single-family residential at a density of one dwelling unit per

acre. A Florida Power and Light transmission corridor exists in this Planning Area. The corridor runs parallel to I-75, through residential land. The corridor crosses I-75 around Southwest 36 Street and connects with the F.P.L. substation on Orange Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies: Policy 13-1: The Community Facilities category shall provide for the development of a wide range of activity centers necessary to satisfy the demands of the existing and future Town populations.

Policy 13-2: Community Facilities may be permitted in land use categories other than Community Facilities category, provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes.

Policy 13-3: The location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complementary to surrounding existing and planned uses.

Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

STAFF ANALYSIS

The purpose of this rezoning request is to allow development of the 33.36 acres subject site. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the minimum lot area and frontage required by the Land Development Code's conventional nonresidential development standards for the CF, Community Facilities District. The proposed rezoning will not create an unrelated isolated zoning district as the CF, Community Facilities designation on this subject site is compatible due to consistency with the Comprehensive Plan and Land Development Code provisions regarding community facilities uses. The proposed use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

FINDINGS OF FACT

Rezoning:

Section 12-307(A)(1):

The following findings of facts apply to the rezoning request.

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

(d) The proposed change will not adversely affect living conditions in the neighborhood;

(e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

While the uses will increase traffic, the increase will not be excessive in relation to what was anticipated by the land use plan designation.

(f) The proposed change will not adversely affect other property values;

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

(j) The proposed zoning designation may not be the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the Future Land Use Plan Map, appropriate land use planning practice, and Comprehensive Plan policies directing land use location.

PLANNING & ZONING BOARD RECOMMENDATION

At the December 11, 2002, meeting of the Planning and Zoning Board, Vice-Chair Bender made a motion, seconded by Ms. Lee, to approve (Motion carried 4-0).

STAFF RECOMMENDATION

Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

EXHIBITS

Justification, Land Use Map, Zoning and Aerial Map, Survey

Prepared by: _____

Reviewed by: _____